



September 27, 1999

Ms. Diane C. Wetherbee
City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR99-2700

Dear Ms. Wetherbee:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128962.

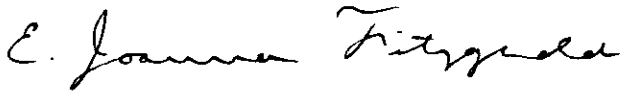
The City of Plano (the "city") received a request for research and findings, correspondence, case history, and any other materials pertaining to city ordinance 97-9-15. You state that you have released most of the responsive documents, but that the remainder of the requested information is excepted from disclosure under sections 552.107 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.107(1) excepts from disclosure information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. Open Records Decision No. 574 at 5 (1990). When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. ORD 574 at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We agree that most of the submitted information is excepted from disclosure by section 552.107 as confidential client communications and an attorney's legal advice. However, some of the information submitted for our inspection consists of excerpts from the city's code of ordinances. These ordinances must be disclosed. Open Records Decision Nos. 551 (1990) at 2-3 (laws or ordinances are open records), 221 (1979) at 1 ("official

records of the public proceedings of a governmental body are among the most open of records"). We have marked the information that must be released.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "E. Joanna Fitzgerald". The signature is fluid and cursive, with the first name "E." and last name "Fitzgerald" clearly distinguishable.

E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 128962

Encl: Submitted documents

cc: Mr. Joseph G. Counter
3712 Racquet Court
Plano, Texas 75023
(w/o enclosures)

¹Because section 552.107 of the Government Code is dispositive of this matter, it is not necessary to address your argument regarding section 552.103.